

GLOCESTER PLANNING BOARD
REGULAR MEETING
December 11, 2017

The regular meeting of the Gloucester Planning Board took place on December 11, 2017 at the Gloucester Town Hall. Vice-Chairman David Calderara called the meeting, holden in and for the Town of Gloucester, to order at 7:11 p.m.

Members in attendance: Vice-Chairman David Calderara, Doug Folcarelli, Lynn Furney and Janine Pitocco. Also present was Town Planner, Karen Scott and Town Solicitor, Tim Kane.

Members Absent: Chairman George Charette, Russell K. Gross and Michael DeGrange

Present to take Minutes: Recording Clerk, Judi Rix

Guests: Attorney Michael A. St. Pierre of Revens, Revens & St. Pierre, Mr. David Russo of DiPrete Engineering and Gloucester residents, some of which are listed in the minutes below.

Pledge of Allegiance

Consider, Discuss and Act Upon the Following:

Minor Subdivision

1. Leo W. and Linda W. Minisce, applicants and owners. Applicants request preliminary review of a minor subdivision for property located off Elbow Rock Road, further described as Assessor's Plat 8, Lot 12 in an A-4 zone.

Vice-Chairman David Calderara invited Attorney Michael St. Pierre, the representative for Mr. and Mrs. Minisce, up to the podium to make his presentation. Attorney St. Pierre indicated that his clients were not present at the meeting this evening, due to the recent passing of Mr. Minisce. Mrs. Minisce will continue to pursue this request on her own. The landowner is requesting that the lot be broken into two individual lots, neither of which would require any dimensional relief. The applicant is seeking a waiver of the wetlands flagging requirement since the wetland edge was already flagged by wetland biologist Linda Steere of Applied Bio-Systems and there is significant upland on the properties to ensure that both lots are buildable. Surveyor Marc Nyberg submitted a letter substantiating all the efforts already taken to identify wetlands on the property by the landowners; unfortunately those original flags placed by Ms. Steere are no longer there. By granting this waiver, it does not give the applicant permission to never have the wetlands re-flagged, that would still need to be done when the property is going to be built upon.

Member Janine Pitocco asked about adequate road frontage for each lot, and it was determined both lots meet the requirements. Member Lynn Furney would have liked to question the surveyor, if he had been present, about the directional arrows on the various maps presented. The North arrows appear to be pointing in different directions, depending on what map you are looking at. Member Furney also requested that a permanent bound be placed between parcel A and B, at the junction of the new property line, where it meets Elbow Rock Road.

MOTION was made by Member Janine Pitocco to approve the Preliminary Plan of a minor subdivision entitled "Preliminary Plan – Minor Subdivision for Leo & Linda Minisce", dated

March 2017, revised October 25, 2017 for Applicant and Owner Leo and Linda Minisce for property located on Elbow Rock Road, further described as Assessor's Plat 8 Lot 12 in an A-4 zone.

In making this decision the Board has considered the following:

1. A Certificate of Completeness has been issued on November 15, 2017;
2. The plans submitted by the applicant, dated March 2017, revised October 25, 2017 titled "Preliminary Plan – Minor Subdivision for Leo & Linda Minisce", Elbow Rock Road, AP 8, Lot 12, Glocester, RI;
3. TRC report dated November 15, 2017;
4. Testimony of the applicant's representative; and
5. RIDEM Office of Water Resources, Onsite Wastewater Treatment System Program, Site Evaluation Forms.

In making this decision the Board makes the following findings:

1. The owner seeks to subdivide AP 8 Lot 12 presently consisting of 30.83 acres into two (2) lots. Proposed Lot A is 19.64 acres in area with approximately 1300' of contiguous frontage on Elbow Rock Road, Lot B is 11.18 acres in area with approximately 373' of contiguous frontage on Elbow Rock Road.
2. The property is zoned A-4 (Agricultural – Residential).
3. The proposed lots both meet the minimum requirements of the zoning district.

Therefore, the Board makes the following conclusions:

1. Based on the evidence outlined above, which is part of the record, this subdivision is found to be consistent with the Glocester Comprehensive Community Plan, specifically sections:
 - a. Section 3.2.2 -Encourage responsible decisions by public officials and public bodies;
 - b. Section 3.2.5 -Allow Glocester's way of life to be enjoyed by future generations.
 - c. Section 3.3.3 -Create a method to preserve, protect, enhance, and maintain the noteworthy physical attributes of the town, while allowing for appropriate development to occur.
2. Based on the evidence outlined above, which is part of the record, the proposed development is in compliance with the standards and provisions of Chapter 350, Zoning;
3. Based on the evidence outlined above, which is part of the record, there will be no significant negative environmental impacts from the proposed development as shown on the preliminary plan, with all required conditions for approval;
4. Based on the evidence outlined above, which is part of the record, the subdivision, as proposed, does not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable;

5. Based on the evidence outlined above, which is part of the record, both proposed subdivision lots have adequate and permanent physical access to Elbow Rock Road, a public street.

In making this decision, the Board grants the following waivers from the Subdivision Regulations:

1. Section 300-23 A Submission Requirements, Checklist D, Preliminary Plat Checklist for Minor Subdivisions, 16. All wetland locations shall be verified by RIDEM; and
2. Subdivision Regulations, Section 300-24 A Submission Requirements, Checklist F, Final Plat Checklist for Minor Subdivisions, B.4. Written confirmation from the RI Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed subdivision, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.

In granting these waivers from the Subdivision Regulations, the Board finds that:

1. The literal enforcement of the provisions of Section 300-23 A and Section 300-24 A is impractical and will exact undue hardship because of peculiar conditions pertaining to the land in question.

The following conditions are applied to this approval:

1. Driveway access and drainage of any new driveways are subject to the approval of the Public Works Director.
2. A permanent bound be placed at the junction of the new property line, between parcel A and B, where it meets Elbow Rock Road.

Approval is hereby granted, for this Preliminary Plan for a minor subdivision subject to the conditions listed above. Final approval is hereby delegated to the Technical Review Committee in order to facilitate the subdivision process.

MOTION was seconded by Member Lynn Furney.

DISCUSSION: None.

VOTE: Ayes – Unanimous (Calderara, Folcarelli, Furney, Pitocco)

2. Andrea and Deanna D’Agostino, applicants and owners. Applicants request preliminary review of a minor subdivision for property located at 809 Tourtellot Hill Road further described as Assessor’s Plat 18, Lot 286, in an A-4 zone.

Vice-Chairman David Calderara invited Mr. and Mrs. D’Agostino up to the podium to make their presentation. The applicants merged two pieces of property in the past, and now want to reverse that action. Mr. and Mrs. D’Agostino do not want to make any changes to the original boundary line that previously existed, they just wish for it to be re-established and the two lots to go back to the way they originally were. Vice-Chairman Calderara asked if there were any records on file for the property that would show if waivers had been granted previously; Town planner Karen Scott responded that she could not locate any records relating to waivers for the property in question. Member Lynn Furney asked that all preliminary subdivision requirements be proven to the board, and not handled administratively; such as wetland locations and possible side-lot setbacks. Town Solicitor, Tim Kane suggested to the Board that they handle this application in a similar fashion as a Master Plan application; this would allow the applicants to go before the Zoning Board, to keep this moving forward, and then return to the Planning Board with more details.

MOTION was made by Member Lynn Furney to approve the Master Plan of a minor subdivision entitled “Administrative Subdivision for Julian Forgue and Andrea D’Agostino III” prepared by National Surveyors-Developers, Inc., dated March 2013, for property located on Tourtellot Hill Road and Hunting House Road for Applicant and Owner Andrea & Deanna D’Agostino for property located on Tourtellot Hill Road, further described as Assessor’s Plat 18 Lot 286 in an A-4 zone.

In making this decision the Board has considered the following:

1. A Certificate of Completeness has been issued on November 27, 2017;
2. The plans submitted by the applicant, originally titled “Administrative Subdivision for Julian Forgue and Andrea D’Agostino III” prepared by National Surveyors-Developers, Inc., dated March 2013;
3. TRC report dated November 27, 2017;
4. Testimony of the applicants.

In making this decision the Board makes the following findings:

1. This subdivision would subdivide AP 18 Lot 286, presently consisting of 7.02 acres into two (2) lots. Proposed Lot 1 is 3.02 acres in area with approximately 249.9’ of contiguous frontage on Tourtellot Hill Road. Proposed Lot 2 is 4.0. acres in area with approximately 367’ of contiguous frontage on Tourtellot Hill Road.
2. The proposed subdivision would re-establish a previous subdivision approved in 2013. The neighbor of the applicants, Julian Forgue, subdivided four (4) acres from his larger neighboring property to sell to Andrea D’Agostino. At the time of the subdivision, the new four (4) acre lot was merged with the D’Agostino’s existing lot with their home. They are requesting that the previously established four (4) acre lot be divided from what was their original house lot along the exact same line from 2013.
3. There is an existing single family home on Lot 1. Proposed Lot 2 is a vacant lot.

4. The land in question is located in an A-4 zoning district. Lot 1 will require a variance for lot size and lot width and possibly side-lot setbacks. Lot 2 meets the minimum area and lot width requirements.
 - a. Minimum lot size in the A-4 zone is 4 acres. Applicants propose 3.02 acres on Lot 1.
 - b. Minimum lot width in the A-4 zone is 350'. Applicants propose 249.9 feet on Lot 1.

Therefore, the Board makes the following conclusions:

1. Based on the evidence outlined above, which is part of the record, this subdivision is found to be consistent with the Gloucester Comprehensive Community Plan, specifically sections:
 - a. Section 3.2.2 -Encourage responsible decisions by public officials and public bodies;
 - b. Section 3.2.5 -Allow Gloucester's way of life to be enjoyed by future generations.
 - c. Section 3.3.3 -Create a method to preserve, protect, enhance, and maintain the noteworthy physical attributes of the town, while allowing for appropriate development to occur.
2. Based on the evidence outlined above, which is part of the record, the proposed development is in compliance with the standards and provisions of Chapter 350, Zoning provided the applicants obtain the necessary variances;
3. Based on the evidence outlined above, which is part of the record, there will be no significant negative environmental impacts from the proposed development as shown on the master plan, with all required conditions for approval;
4. Based on the evidence outlined above, which is part of the record, the subdivision, as proposed, does not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable;
5. Based on the evidence outlined above, which is part of the record, both proposed subdivision lots have adequate and permanent physical access to Tourtellot Hill Road and/or Hunting House Road, public streets.

The following conditions are applied to this approval:

1. Applicants must obtain the required variances related to lot size, lot width and possible side-lot setbacks from the Zoning Board of Review.
2. Driveway access and drainage of any new driveways are subject to the approval of the Public Works Director.
3. RIDEM Office of Water Resources, Onsite Wastewater Treatment System Program approvals
4. Location of water test holes identified

5. Show the permanent marker on the property line frontage, when preliminary plan is submitted

Approval is hereby granted, for this Master Plan for a minor subdivision subject to the conditions listed above. Final approval is hereby delegated to the Technical Review Committee in order to facilitate the subdivision process.

MOTION was seconded by Member Janine Pitocco.

DISCUSSION: Member Lynn Furney asked to include side-lot setbacks as part of the requirements looked at when considering variances.

VOTE: Ayes – Unanimous (Calderara, Folcarelli, Furney, Pitocco)

Advisory Opinion to the Zoning Board of Review

1. Andrea and Deanna D’Agostino, applicants and owners. Applicants request an advisory opinion to the Zoning Board of Review for a Dimensional Variance from Chapter 350, Article III, §350-13, Table of Dimensional Regulations, Lot Width and Lot Size (acres) for property located at 809 Tourtellot Hill Road, further described as Assessor’s Plat 18, Lot 286, in an A-4 zone. Applicant/Owner seeks 100.05’ of relief from the minimum 350’ lot width and 0.9761 acres relief from required lot size of 4 acres.

MOTION was made by Vice-Chairman Calderara for a **positive recommendation** to the Zoning Board of Review regarding an application for a dimensional variance made by Andrea and Deanna D’Agostino, applicant and owner, for property located at 809 Tourtellot Hill Road, further described as Assessor’s Plat 18, Lot 286, in an A-4 zone

Applicant and Owner seeks a Dimensional Variance pursuant to Chapter 350, Article III, District Dimensional Regulations, §350-13, Table of Dimensional Regulations, lot size and lot width. Applicant seeks approval of 0.98 acres of relief from the minimum lot size and 100.1’ of relief from the lot width requirement.

In making this recommendation the Board has relied on the following:

1. Information provided in the application;
2. Testimony of the applicants, Andrea and Deanna D’Agostino, at the December 11, 2017, Planning Board Meeting;
3. The drawings and photos provided by the applicant;

In conclusion, the Board finds that granting this variance would not be inconsistent with the Gloucester Comprehensive Community Plan.

MOTION was seconded by Member Janine Pitocco.

DISCUSSION: Member Lynn Furney asked again to include side-lot setbacks as part of the requirements looked at when considering variances since the exact location of the house on Lot 1 could not be determined.

VOTE: Ayes - Unanimous (Calderara, Folcarelli, Furney, Pitocco)

Informal (Pre-Application)

1. Anthony J. DePetrillo, etux Danette M., applicants and owners. Applicants request pre-application review of a minor subdivision for property located at 189 Money Hill Road, further described as Assessor's Plat 10, Lot 108 in an A-4 zone.

Vice-Chairman David Calderara invited Mr. and Mrs. DePetrillo up to the podium to make their presentation, but they were not present. Town Solicitor Tim Kane advised the Board that Mr. DePetrillo had contacted the Planning Office to request this pre-application of a minor subdivision for property located at 189 Money Hill Road be tabled until the January 2018 Regular Planning Board meeting.

MOTION was made by Member Janine Pitocco to table this pre-application review of a minor subdivision for property located at 189 Money Hill Road until the January 2018 Regular Planning Board meeting.

MOTION was seconded by Member Lynn Furney.

DISCUSSION: None.

VOTE: Ayes - Unanimous (Calderara, Folcarelli, Furney, Pitocco)

2. Kenneth M. and Jeanine Lantini, applicants and owners. Applicants seek pre-application review of a large 1 Megawatt ground mounted solar installation for property located at Snake Hill Road and Cranberry Ridge Road, further described as Assessor's Plat 15, Lot 21 in an A-4 zone.

Vice-Chairman David Calderara invited Mr. David Russo, of DiPrete Engineering, the engineer on this project and representing Mr. and Mrs. Lantini this evening, up to the podium to make his presentation. The applicants have a 163 acre property, of which 9 acres would be cleared for this project. A property map was provided to the Board, in which the size and location of the project on the property was shown. There are no visible wetlands at the project site, and the height of the panels will remain below the 12 foot maximum the town has established. Town Solicitor Tim Kane asked if the owners had an inter-connection agreement, and Mr. Russo indicated they did and that it was about a year old. Vice-Chairman Calderara asked about the distance from the edge of the project to the property lines at the narrowest point. Mr. Russo stated that on one side there was approximately 65-70 feet and approximately 50 feet on the opposite side. Several Board Members expressed their concern over site lines to the panels from neighboring properties. Mr. Russo indicated that there were existing deciduous plantings that would obscure the project from the neighbors view, but if that was an issue, the owners would be willing to make the appropriate accommodations to meet any requirements. Town

Planner Karen Scott pointed out that the Board could do a site visit if they wished to see the location for themselves.

Capital Improvement Program 2018 – 2019

- a. 8/23/17 Letter sent to all Town Department Heads & Committee Chairpersons**
- b. 9/1/17 – CIP Submission from Gloucester Police Department**
- c. 10/16/17 – CIP Submission from Gloucester Finance Department**
- d. CIP Submission from Gloucester School Department**
- e. 10/17/17 – CIP Submission from Gloucester Senior Center**

MOTION was made by Vice-Chairman David Calderara to advise the Town Council that the Capital Improvement Program 2018 – 2019 Submissions from the Gloucester Police Department, Gloucester Finance Department, Gloucester School Department and Gloucester Senior Center are not inconsistent with the Gloucester Comprehensive Community Plan.

MOTION was seconded by Member Janine Pitocco.

DISCUSSION: None.

VOTE: Ayes - Unanimous (Calderara, Folcarelli, Furney, Pitocco)

Other Business

1. Approval of 2018 Planning Board Meeting Schedule

After reviewing the proposed 2018 Planning Board meeting schedule, the Board Members agreed to move the July 2nd meeting to July 9th so it was further away from the holiday. There was also one small change to the very last date on the schedule for the Zoning Board meeting that followed the December Planning Board meetings; it should read 2019 for the year, not 2018.

MOTION was made by Member Janine Pitocco to accept the proposed 2018 Planning Board meeting schedule as amended.

MOTION was seconded by Member Doug Folcarelli.

DISCUSSION: None.

VOTE: Ayes - Unanimous (Calderara, Folcarelli, Furney, Pitocco)

2. Accessory business uses on farmland and forest land

a. Revised Draft Ordinance

The Board Members were given the past few weeks to review the draft of the proposal provided to them at the November 20, 2017 meeting. The Members were satisfied with the draft as presented, so a January 22, 2018 workshop will be scheduled. Town Planner Karen Scott wrote up a cover sheet with a checklist of questions the Board Members should consider prior to the meeting, to prepare for as many possible concerns and/or questions the public may have. Two items that will need to be looked at in more detail, will be animal processing and wedding venues. Vice-Chairman David Calderara would like to see wedding venues be under the

licensing process; this will allow for any problems to be addressed by implementing restrictions, or revoking the license if applicant is non-compliant. Member Calderara is concerned about the potential for abuse with this issue.

Doug Folcarelli asked what determines what a “farm” is. Town Planner Karen Scott referenced the town definition, which would be placed into this ordinance, which states a farm is “agricultural land, together with principal and accessory buildings, on which agricultural operations are conducted”. Doug Folcarelli is concerned someone will come into town and purchase 10 acres of land and try to put an event venue on it by calling the property a farm. Town Planner Scott believes there will always be gray area surrounding this issue. Member Lynn Furney asked if the ordinance could say “active farm”. Member Furney believes the entire intent of this ordinance is to help farmers that may have had a bad year, or struggling in general, to have another source of income to keep them from giving up completely on farming and just building houses on their land instead. Vice-Chairman David Calderara believes a January workshop is necessary due to the timeline the Board has to work with; will be a challenge to get from concept to details by February and come up with a draft that includes public input. Town Planner Scott asked the Board Members to review the ordinance prior to the workshop; if they wait until the meeting to contemplate the questions, it will take too long to get through.

MOTION was made by Vice-Chairman David Calderara to proceed with the scheduling of a Planning Board Workshop on January 22, 2018 with forest and agricultural constituents to discuss proposed accessory business uses on farmland and forest land ordinance.

MOTION was seconded by Member Janine Pitocco.

DISCUSSION: None.

VOTE: Ayes - Unanimous (Calderara, Folcarelli, Furney, Pitocco)

Technical Review Committee Report

1. James S. Manni and Donna M. Manni, applicants and owners. Applicants have been granted final approval for an administrative subdivision for property located at 13 Joe Sarle Road, further described as Assessor’s Plat 9, Lot 18 Gloucester and Assessor’s Plat 17, Lot 16, Foster.

The Board received a copy of a report from the Technical Review Committee stating the project has been given final approval.

2. Southern Sky Renewable Energy, RI, LLC, applicant and Kenneth A. Hopkins, owner. Applicant have been granted final approval for a Major Land Development Project to install a medium 249 KW ground-mounted solar installation for property located at 1378 Snake Hill Road, further described as Assessor’s Plat 12, Lot 205 in an A-3 zone.

The Board received a copy of a report from the Technical Review Committee stating the project has been given final approval.

Correspondence: None.

Town Planner's Reports

1. September 2017, October 2017 and November 2017

The Board received reports for September 2017, October 2017 and November 2017 from the Town Planner's Office. The Board Members saw no outstanding issues and thanked Town Planner Karen Scott for a good job on compiling them.

Approval of Minutes

March 6th, March 20th, April 3rd, October 2nd, October 16th, November 6th, November 20th.

By approving all of the minutes listed above, the Planning Board will now be current with all meeting minutes.

MOTION was made by Member Lynn Furney to accept as presented the meeting minutes of the regular Planning Board meeting on March 6, 2017, the workshop Planning Board meeting on March 20, 2017, the regular Planning Board meeting on April 3, 2017, the regular Planning Board meeting on October 2, 2017, the special Planning Board meeting on October 16, 2017, the regular Planning Board meeting on November 6, 2017 and the workshop Planning Board meeting on November 20, 2017.

MOTION was seconded by Member Janine Pitocco.

DISCUSSION: None.

VOTE: Ayes – Unanimous (Calderara, Folcarelli, Furney, Pitocco)

Open Forum: No one present wished to speak.

Schedule Planning Board Workshop

Since the Board Members are happy with the draft of the Accessory Business Uses on Farmland and Forest Land Ordinance, and are moving forward with scheduling a January 22, 2018 workshop, a Planning Board workshop meeting will not need to be scheduled for December 18, 2017.

MOTION was made by Member Lynn Furney to officially cancel the workshop Planning Board meeting on December 18, 2017.

MOTION was seconded by Member Doug Folcarelli.

DISCUSSION: None.

VOTE: Ayes – Unanimous (Calderara, Folcarelli, Furney, Pitocco)

Adjournment

Motion to adjourn was made by Member Doug Folcarelli, **seconded** by Member Lynn Furney, and **unanimously approved** at 8:45pm.

Minutes Approved: January 8, 2018 Meeting.